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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,047

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EXAMINER

JABR, FADEY S

ART UNIT

PAPER NUMBER

3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/034,047	Applicant(s) UPPAL, SUKHWINDER	
	Examiner Fadey S. Jabr	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims **1, 5, 9, 11, 13** and **16** have been amended. Claims **1-21** remain pending and are again presented for examination.

Response to Arguments

1. Applicant's amendment filed 7 March 2007 with respect to 35 U.S.C. 112, second paragraph, have been fully considered and are therefore withdrawn.
2. Applicant's arguments with respect to claims **1** and **16** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-7** and **16-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maropis, Pub. No. US2004/002371 A1 in view of Cain, Pub. No. US2003/0091169 A1, hereinafter referred to as Maropis and Cain, respectively.

As per Claims 1, 5, 16 and 19, Maropis discloses a method and apparatus for providing prepaid phone service comprising:

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- establishing a credit balance in said PPS account (0019, 0024);
- linking a separate supplementary service to said PPS account, wherein a fee for said supplementary service is charged to said PPS account one time, weekly, monthly, quarterly or annually said supplementary service including at least one of call forwarding, call waiting, call blocking and caller ID (0024, 0033);
- a timer means for determining that a predetermined time period associated with said supplementary service is complete (0013, 0023-0025, 0033); and
- means for applying said fee to said PPS account (0012).

Maropis fails to disclose said supplementary service separately charged from call connection fees. However, Cain teaches the premium telephone service can be any suitable service in addition to direct telephone connections. Examples of premium telephone services for use in the invention include voice mail messaging, conference calling, group messaging, and call forwarding (0007). Further, Cain teaches in the case of group messaging and call forwarding, the debiting can be performed based on connect time and/or by an appropriate surcharge. Any suitable method and rate structure for debiting the account of the subscriber according to the type and quantity or duration of premium service that is provided can be utilized (0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Maropis and include charging a user a separate surcharge for accessing supplementary services as taught by Cain, because it allows the user to request supplementary service when they are required forgoing paying for services which are not utilized.

As per Claims 2 and 17, Maropis et al. fails to *explicitly* disclose wherein linking said supplementary service to said subscriber account further comprises linking said PPS account to a *supplementary service sub-account* and a *call-event sub-account*. However, Maropis et al. discloses subscribers may be able to select a **basic** or a **premium** service for prepaid dialtone. The premium service may include all the features of the basic service and the following features: voice mail, caller ID with name, call waiting, and non-published listing (0033). Further, Maropis et al. discloses the prepaid telephone services are implemented in the SCP by providing the SCP with the subscriber's telephone number, a day counter and a call counter to provide a fixed number of local telephone calls to a subscriber for a given service period. For instance, the prepaid telephone service of Maropis et al. includes a day counter and call counter to decrement the amount of calls, where the subscriber might need to replenish their account in order to make more calls (0030, 0023). Further, Maropis et al. includes a premium prepaid phone service where the services (voice mail, call waiting, etc.) are based on a 30-day service period (or any service period length), and the services do not end until the end of the service period (0024, 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and apparatus of Maropis et al. and include separating the call counter for the prepaid phone service from the premium services (voice mail, call waiting, etc.), because it provides the user with premium services which are based on a service period, while allowing the user to make prepaid calls maintained by a call counter.

As per Claims 3 and 18, Maropis et al. fails to *explicitly* disclose wherein applying said fee to said PPS account further comprises applying said fee to said supplementary service sub-

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account. However, Maropis et al. includes a premium prepaid phone service where the services (voice mail, call waiting, etc.) are based on a 30-day service period (or any service period length), and the services do not end until the end of the service period (0024, 0033). Further, Maropis et al. discloses transaction records where each record preferably contains the rate plan (e.g., the cost for the service period associated with the service plan). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and apparatus of Maropis et al. and include applying a fee to the premium service, because it provides the user with premium services which are based on a service period, while allowing the user to make prepaid calls maintained by a call counter.

As per **Claim 4**, Maropis et al. fails to *explicitly* disclose the step of transmitting an initial signal from a node managing the PPS account to a node for applying rate charging analysis for starting a timer upon activation of said *supplementary service sub-account*. However, Maropis et al. discloses as soon as an account is established the prepaid subscriber database determined the service period end date for the subscriber (0024). Further, Maropis et al. discloses the service plan field of the subscriber record contains product code representative of the *specific version* of prepaid dialtone service applicable to the subscriber. The service dates field stores the *start and end dates* of the present period for which the prepaid dialtone service is active (0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and apparatus of Maropis et al. and include upon establishment of an account, determining the start and end dates of the service period, because it provides the system and the subscriber with the service period in which the service fees will be applied.

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As per **Claims 6 and 20**, Maropis et al. discloses

- detecting said initial signal (0024);
- detecting said second signal (0025); and
- generating a call data record associated with said supplementary service (service plan) according to said tariff table (rate plan), for application to said PPS account (0012).

As per **Claims 7 and 21**, Maropis et al. discloses the step of applying said call data record to said PPS account (0012).

5. Claims **8-15** rejected under 35 U.S.C. 103(a) as being unpatentable over Maropis in view of Cain and Phillips et al, U.S. Patent No. 5,870,459.

As per **Claim 8**, Maropis et al. fails to *explicitly* disclose the step of linking said supplementary services to said prepaid subscriber account wherein said prepaid subscriber account is stored on a home location register. However, Maropis et al. discloses the prepaid telephone services are implemented in the SCP by providing the SCP with the subscriber's telephone number, a day counter and a call counter to provide a fixed number of local telephone calls to a subscriber for a given service period (0023). Further, home location registers are well known in the telephone art. Moreover, Phillips et al. teaches a home location register for the prepaid cellular phone (C. 15, lines 16-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Maropis et

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al. and include a home location register to store subscriber information as taught by Phillips et al., because it maintains subscriber information relating the subscriber's service plan.

As per **Claim 9-10 and 12**, Maropis et al. discloses an apparatus for providing prepaid phone service comprising:

- a prepaid administration system coupled with said prepaid subscriber account (0010);
- a means for charging and reducing funds in said prepaid subscriber account (0023, 0030);
- a first value of call events (0023); and
- means for generating a call data record associated with said time period for application to said PPS account (0012).

Maropis et al. fails to *explicitly* disclose

- a timer for determining a time period corresponding to said fee for said *supplementary service sub-account* where the time period is determined separately from said call events.
- a *second value* for fees related to a supplementary service sub-account, said sub-account including at least one of a call forwarding service, a call waiting service, a call blocking service and a caller ID service and the periodic charge is applied separately either one time, monthly, quarterly or annually to said PPS account;

However, Maropis et al. discloses subscribers may be able to select a **basic** or a **premium** service for prepaid dialtone. The premium service may include all the features of the basic service and the following features: voice mail, caller ID with name, call waiting, and non-

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published listing (0033). Further, Maropis et al. discloses the prepaid telephone services are implemented in the SCP by providing the SCP with the subscriber's telephone number, a day counter and a call counter to provide a fixed number of local telephone calls to a subscriber for a given service period. For instance, the prepaid telephone service of Maropis et al. includes a day counter and call counter to decrement the amount of calls, where the subscriber might need to replenish their account in order to make more calls (0030, 0023). Further, Maropis et al. includes a premium prepaid phone service where the services (voice mail, call waiting, etc.) are based on a 30-day service period (or any service period length), and the services do not end until the end of the service period (0024, 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the apparatus of Maropis et al. and include separating the call counter for the prepaid phone service from the premium services (voice mail, call waiting, etc.), because it provides the user with premium services which are based on a service period, while allowing the user to make prepaid calls maintained by a call counter.

Moreover, Cain teaches the premium telephone service can be any suitable service in addition to direct telephone connections. Examples of premium telephone services for use in the invention include voice mail messaging, conference calling, group messaging, and call forwarding (0007). Further, Cain teaches in the case of group messaging and call forwarding, the debiting can be performed based on connect time and/or by an appropriate surcharge. Any suitable method and rate structure for debiting the account of the subscriber according to the type and quantity or duration of premium service that is provided can be utilized (0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

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modify the method and system of Maropis and include charging a user a separate surcharge for accessing supplementary services as taught by Cain, because it allows the user to request supplementary service when they are required forgoing paying for services which are not utilized.

As per **Claim 11**, Maropis et al. fails to *explicitly* disclose means for applying said fee to said supplementary service sub-account. However, Maropis et al. includes a premium prepaid phone service where the services (voice mail, call waiting, etc.) are based on a 30-day service period (or any service period length), and the services do not end until the end of the service period (0024, 0033). Further, Maropis et al. discloses transaction records where each record preferably contains the rate plan (e.g., the cost for the service period associated with the service plan). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and apparatus of Maropis et al. and include applying a fee to the premium service, because it provides the user with premium services which are based on a service period, while allowing the user to make prepaid calls maintained by a call counter.

As per **Claim 13**, Maropis et al. discloses a timing function for measuring said predetermined time period (0023-0025); and detection means for detecting said initial signal and a second signal that corresponds with the end of said predetermined time period, wherein said predetermined time period is one of a week, a month, a quarter or a year (0023-0025).

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As per **Claim 14**, Maropis et al. discloses means for generating a call data record associated with said supplementary service, according to said tariff table, for application to said PPS account (0023-0025).

As per **Claim 15**, Maropis et al. discloses means for applying said call data record to said prepaid subscriber account (0012).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the

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specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Fadey S Jabr
Examiner
Art Unit 3628

FSJ

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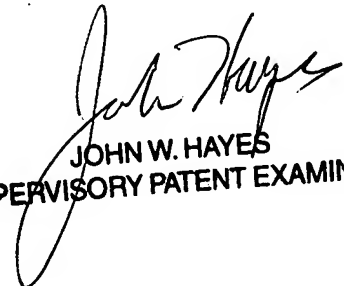
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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER